



March 27, 2024

The Honorable Kari Dziedzic, Chair
Senate State and Local Government and Veterans Committee
3113 Minnesota Senate Building
St. Paul, MN 55155

RE: SUPPORT FOR SENATE FILE 5012 — SENT VIA EMAIL

Dear Chair Dziedzic,

On behalf of the National Notary Association, the largest professional association of Notaries Public in the United States, and our Minnesota members, I write in support of Senate File 5012 which we understand is in the process of being re-referred to the Committee.

While there are changes in the bill that will help streamline the process for Notaries who want to perform technology-based notarial acts that the NNA supports, I want to comment specifically on the importance of Section 4 of the introduced bill with respect to the Notary's official notarial stamp.

We understand the State is in the process of revising the State seal and that the new State seal will take effect on May 11, 2024. Since the State seal is a required element of a Notary's official stamp, the addition of the grandfather clause in new paragraph (b) of M.S. 359.03 Subd. 3 is critically important. Over the years, the NNA has witnessed several states make changes to the information in the Notary's seal or stamp. Many included a grandfather clause like the one in SF 5012/HF 4972, but one state did not. In 2016, the State of Texas, with over 400,000 Notaries, added a requirement for the Notary's commission identification number to appear in the seal but did not include a clause grandfathering the seals of existing Notaries. Following enactment, the Real Estate, Probate and Trust Law Section of the Texas State Bar uncovered old legal cases that indicated if a notarial officer affixes an incorrect Notary seal, it is equivalent to affixing no seal at all. Out of an abundance of caution, [the Section urged](#) all 400,000+ Notaries to obtain a new seal so that real estate mortgages and deeds, and estate documents would not be subject to possible legal challenge.

Weeks later the Texas Secretary of State adopted a rule grandfathering the seals of existing Notaries, but not before many, if not most, of the state's existing Notaries procured a new seal. As you might imagine, this was costly to individual Notaries and employers of Notary-employees.

Therefore, for not only the sake of individual Notaries and their employers, but also the general public who could be adversely impacted by the validity of an important document they had notarized being questioned or litigated, we urge the Committee to report favorably Senate File 5012 with the official stamp grandfather clause when the bill comes up for a hearing.

Sincerely,

A blue ink signature of Bill Anderson.

Bill Anderson
Vice President, Government Affairs

Cc: The Honorable Senator Steve A. Cwodzinski
The Honorable Representative Mark Freiberg